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By:

~~Nápey Foster~~

PATENT

Customer Number: 22,852

Attorney Docket No. 4853.0084-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masahiro IWAKURA

Application No.: 10/019,409

I.A. Filing Date: March 31, 2000

§ 371 Filing Date: December 28, 2001

For: SULFUR ATOM-FREE ENZYME
PROTEINS

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

APPLICANT STATEMENT OF INTERVIEW SUMMARY

The undersigned now provides a statement of the substance of the interview she had with Examiner Prouty on July 20, 2004. The undersigned and Examiner Prouty discussed the rejection of claims 7-10, with particular focus on a proposed amendment to claim 7, which the undersigned faxed to Examiner Prouty on July 16, 2004.

The undersigned and Examiner Prouty discussed the rejection of the claims under 35 U.S.C. § 112, first paragraph, in the Final Office Action mailed May 4, 2004. In view of the proposed amendment, Examiner Prouty stated that she would consider

withdrawing the rejection under 35 U.S.C. § 112, first paragraph, but only with respect to enzymes that lack disulfide bonds or active site cysteine residues. Examiner Prouty stated that enzymes containing those features, if subjected to the claimed methods, would not be expected to possess activity. The undersigned pointed out that if such a prediction can be made based on the level of skill in the art, then the art necessarily provides sufficient guidance as to what embodiments of the claimed methods would be inoperative. Examiner Prouty stated that she would consider this argument if presented along with evidence supporting this argument.

Examiner Prouty further stated that, if she withdrew the rejection under 35 U.S.C. § 112, first paragraph, she would reinstate the rejection under 35 U.S.C. § 103(a) for the reasons set forth in the Final Office Action mailed May 4, 2004. Examiner Prouty stated that the art discusses replacing sulfur-containing amino acids that are particularly labile in alpha-amylase in order to confer stability to the enzyme. Examiner Prouty concluded that substitution of the remaining sulfur-containing amino acids, which are not important for enzyme stability, would be obvious in view of such methods. See Barnett et al., WO 96/30481, cited in the Office Action mailed August 27, 2003.

In response, the undersigned reiterated the arguments of record in the Amendment and Response filed January 27, 2004. Specifically, the undersigned argued that the cited references do not teach or suggest substituting *all* sulfur-containing amino acids. The undersigned also suggested that, by teaching substitution of *only* the labile sulfur-containing amino acids, the art in fact teaches away from the substitution of *all* sulfur-containing amino acids. The Examiner stated that she would consider this argument if presented along with evidence supporting this argument.

Please grant any extensions of time required to enter this Interview Summary
and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 3, 2004

By: *Danielle Pasqualone*
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